

ELLA P. MURPHY.

JANUARY 17, 1878.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THROCKMORTON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1502.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1502) for the relief of Mrs. Ella P. Murphy, beg leave to submit the following report:

The bill seeks to appropriate \$3,875 for losses sustained by the husband of claimant on account of depredations committed by the Mescalero Apache Indians on his property on the night of the 6th of August, 1861, and in 1870, at Fort Davis, Texas.

To sustain that part of the claim occurring in 1861, there is no proof except that of Mrs. Murphy, the widow, and while there can be but little if any doubt of the loss as set out by claimant, it is not deemed a safe precedent to allow such claims without certain and strict proof of the actual loss, the character and value of the property, and the identity of the tribe of Indians committing the depredation.

After investigation by the agent of the Indians charged with the depredation and the Interior Department, this part of the claim was disallowed. Another portion of the claim is for depredations committed by the same band of Indians at Fort Davis in 1870.

The sworn testimony of Capt. Charles Parker shows that in the month of August, 1870, Patrick Murphy, then in the employ of the United States Government as a post trader, lost three hundred head of sheep and goats, taken by the Indians mentioned; that Captain Parker was dispatched with his command in pursuit of the Indians, and that twenty-two head of the sheep and goats were recaptured. This testimony is further sustained by the sworn statement of Acting Assistant Surgeon Thomas Landers, United States Army. It appears that two hundred and eighty-seven sheep and goats were lost, and that they were of the value of \$2.50 each. After investigation, this part of the claim, amounting to \$695, was allowed by the department and reported to Congress.

During the Forty-third Congress the Committee on Indian Affairs made a report recommending the passage of the bill for this amount.

(See Report No. 632, Forty-third Congress, first session.)

Your committee recommend the following amendments, viz:

First. In 7th line strike out the words "three thousand eight hun-

dred and seventy-five," and insert in lieu thereof the words "six hundred and ninety-five."

Second. Add at the end of the section the words, "*Provided, That before paying the moneys hereby appropriated, the said Ella P. Murphy shall make satisfactory proof that she is the sole heir of Patrick Murphy, late of Fort Davis, Texas, or otherwise the sole owner of the claim: And provided further, That the sum herein appropriated shall be paid out of the moneys due the Mescalero Indians of New Mexico.*"

With the adoption of the amendments indicated the committee recommend the passage of the bill.